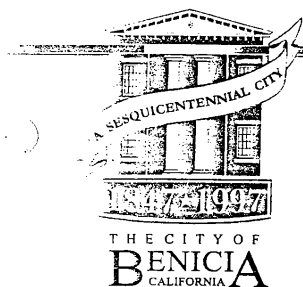


Comment Set 24



CITY HALL • 250 EAST L STREET • BENICIA, CA 94510 • (707) 746-4200 • FAX (707) 746-4201

July 25, 2003

Ms. Judy Brown
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Subject: Comments on Draft EIR
Concord to Sacramento Petroleum Products Pipeline

The City of Benicia has reviewed the Draft EIR for the Concord to Sacramento Petroleum Products Pipeline project and is extremely concerned that Section D. Environmental Analysis, omits any mention of the water transmission line that serves the City via the Interstate 680 corridor. This 36-inch water line is a critical facility because it is virtually the City's sole source of water. An interruption in the water supply could cause a health and safety crisis in Benicia in as little as 48 hours. At that point the City could be unable to provide water to its residential and business customers and would have insufficient water for fire protection. In addition, the Valero refinery which provides 25 percent of the Bay Area's gasoline would be forced to shut down.

The proposed pipeline would parallel the City water line from Benicia to Cordelia in an area that contains numerous landslides and an active earthquake fault. The pipeline would cross the water line twice, and would be co-located with the water line for 5 or 6 miles. The City believes it is essential that the EIR should identify and describe the potential impacts of construction and ongoing operation of the proposed pipeline on the City's water supply. The City's comments on this and other issues are detailed below.

Omission of City Raw Water Pipeline from Analysis

1. Section D., Environmental Analysis, should be considered incomplete and inadequate until it identifies the City of Benicia raw water transmission line as a critical facility, describes potential impacts of the project on the City water supply, and describes necessary mitigations for the impacts. Discussion of potential impacts on the raw water line and the City's water supply should, at a minimum, be included in Section D.2, Pipeline Safety and Risk of Accidents; Section D.7, Geology, Soils and Paleontology; and Section D.11, Utilities and Service Systems.

24-1

24-2

JOHN SINA, Mayor
City Council
City of Benicia Mayor • PIERRE T. BIDOU • BILL WHITNEY • DANIEL C. SMITH

JIM ERICKSON, City Manager
VIRGINIA SOUZA, City Treasurer
LINDA S. PURDY, City Clerk

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2. In addition to analyzing the potential health and safety risks related to a possible interruption in the City's water supply, the EIR should discuss effects related to the Valero Refinery in Benicia. The refinery supplies 25 percent of the San Francisco Bay Area's gasoline and 10 percent of gasoline in California. If the refinery should be forced to shut down due to an unanticipated interruption in the City's water supply, it would take several days to be able to resume production after the resumption of water delivery. Please contact the California Energy Commission for an evaluation of the potential effects of the resulting shortage in the fuel supply.

24-3

Project Description

3. Section B. Project Description, describes anticipated pipeline construction methods in Section B.4.4. The City notes that some of the methods described are not acceptable within City streets. Reuse of excavated trench material or imported "soil", is typically not allowed for trench backfill within improved roadways, only approved aggregate base. Contaminated soil is never allowed to be used as backfill. Also please note that blasting is unacceptable anywhere in the City or adjacent to the City's raw water line between Benicia and Cordelia. (See page B-30, Trenching, and page B-31, Backfilling and Compaction.)
4. The section Construction in Roadways and Urban Areas, page B-32, states that construction of the pipeline would require closure "of at least two lanes of traffic". In Benicia this would require complete closure of each affected street and raises serious concerns regarding traffic impacts. It is not clear why construction in a 3 foot trench would need to involve more than one lane of traffic. If a flagger is provided for traffic control, this would allow streets to remain open.
5. The section entitled Highways, Railroad, and Pipeline Crossings, page B-34, states that a minimum clearance of 12 inches would be required from any underground structure. Because of the critical nature of the City's raw water transmission line, and the unstable nature of the terrain in the area, the City will require a minimum 24 inch clearance at any point where the proposed pipeline crosses the raw water line and the proposed fuel line will be required to cross under the raw water line. Note also that this section does not address clearance where the proposed pipeline parallels another utility. The City requires that the minimum acceptable clearance from its raw water line is 30 feet from the outside of one pipe to the outside of the other.

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Pipeline Safety and Risk of Accidents

6. The purpose of Section D.2, Pipeline Safety and Risk of Accidents, is stated on page D.2-1 as follows: "In this section, the risks to public safety and the environment that could result from the construction activities, pipeline operation (unintentional releases) and project abandonment are presented." Given the clear

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| <p>risks to public health and safety that could result if the City's raw water transmission line is damaged either during construction or operation of the proposed pipeline, this section needs to analyze the potential for those impacts and identify appropriate mitigations. Concerns include unintentional damage during construction or maintenance, explosion risks, risks related to earthquake and landslide damage, and risks related to cathodic protection. The significance criterion on page D.2-24 should be revised to be consistent with the stated purpose of the section and to encompass the City's areas of concern.</p> | <p>24-7</p> |
| <p>7. The EIR should also examine an incident that would sever the City's 36-inch water transmission line might result in damage to the proposed pipeline due to the heavy flow of water from the City's line.</p> | <p>24-8</p> |
| <p>8. The discussion of 49 CFR 195.6 on page D.2-21 states that drinking water resources including "community water systems" are defined as Unusually Sensitive Areas (USA's). It is the City's position that the Benicia raw water transmission line qualifies as an USA.</p> | <p>24-9</p> |
| <p>9. The impact discussion and proposed mitigation for Impact S-1.2: Severance of Third Party Substructures during Construction, page D.2-26, does not identify the City's raw water line as a vulnerable third party substructure and the proposed mitigation is not entirely appropriate for that facility, although it is suitable for less critical facilities. The City also questions whether the impact can be mitigated to the level of insignificance given the magnitude of the consequences of an interruption in the City's water supply and the increased probability of damage as a result of the extended (5-6 miles) length of parallel construction. The City objects to the provision in Mitigation S-1a that parallel facilities "shall be exposed every 50 feet" as too great a risk in the case of the raw water line. See also concerns regarding blasting and pipeline clearances in Items 3 and 5 above.</p> | <p>24-10</p> |
| <p>10. The provisions for Pipeline Failure in an Urban Environment, Mitigation S-2a, page D.2-35, should list the City of Benicia as an affected agency.</p> | <p>24-11</p> |
| <p>11. Section D.2 does not address the potential for impacts of running the proposed pipeline parallel to City's raw water main when both pipelines will have cathodic protection systems. What effects will there be on each system? (See also page D.11-12, Sec. 11.3.8.) Mitigation S-2f should list the City of Benicia as one of the agencies requiring review and approval of the applicant's surveys.</p> | <p>24-12</p> |
| <p>12. Section D.2.4, page D.2-52, states that construction impacts for the Existing ROW alternative are similar to those for the proposed route. The section should point out, however, that the Existing ROW alternative would eliminate impacts to the City's raw water line, a critical lifeline facility.</p> | <p>24-13</p> |

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13. Overall, the City believes that Section D.2 needs to be revised throughout to fully consider potential risks to the City's water supply and to describe mitigations for the impacts. Appropriate mitigations should include but not be limited to:

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- Preparation of a detailed vulnerability and hazard report as part of the project design process. The report should analyze the risks the proposed pipeline presents to the City's raw water line. The report should identify such elements as how the fuel pipeline or raw water line may fail where they are in close proximity to each other, the probability of failure under various conditions, the impacts to either facility from a failure, and the steps that must be taken to prevent those failures. The report should be prepared by a California registered engineering firm qualified to conduct such analyses.
- Preparation of a corrosion report as part of the project design process. The report should analyze potential impacts of the proposed pipeline and/or cathodic protection facilities on the City's pipeline and/or cathodic protection facilities, and the measures necessary to prevent such impacts. The corrosion report should be prepared by a cathodic protection specialist who is certified by the National Association of Corrosion Engineers, or a California registered corrosion engineer.
- Preparation of a detailed monitoring, inspection and response plan to ensure that detrimental impacts to the City's raw water line are prevented. This plan should be submitted for City approval and should include and be based on the results of the vulnerability and hazard report and the corrosion report.
- In addition, the Mitigation Monitoring Plan should include a requirement that the applicant pay for the services of a cathodic protection specialist or corrosion engineer to review test data for one year after the new pipeline begins operation for purposes of monitoring impacts on the City facilities.
- Regardless of the results of the vulnerability and hazard report and the corrosion report, the horizontal and vertical separation requirements described in Item 5 are the minimum acceptable to the City. Separations should be increased and other precautions required if indicated by the completed reports.

Geology, Soils and Paleontology

14. Section D.7, Geology, Soils, and Paleontology, omits any mention of the City's raw water transmission line. It is imperative that this water line be identified and that potential impacts of the proposed pipeline on the water line and of the water line on the proposed pipeline should be identified and discussed and mitigation proposed. As discussed in the Draft EIR, the area where these two pipelines would be co-located is characterized by numerous landslides and an active earthquake fault.

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15. The impact and mitigation discussion regarding potential pipeline rupture due to earthquake (pages D.7-20 to 22) rightly states that this impact would be

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significant and unmitigable. Prescribed Mitigation G-5a refers to the required preparation of a Supplemental Spill Response Plan. It is critical that this plan should include measures to deal with impacts to the City's raw water line and this requirement should be specifically included in the mitigation measure. See also Item 13 above.

24-16

16. The significance criteria for Section D.7 on page D.7-16 should be interpreted to include the effects of pipeline rupture due to geologic events (landslides and earthquakes) on the City's water line. Reference is made to the following significance criteria:

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- "The location and design of the pipeline and related facilities in relationship to geologic hazards could result in a failure or rupture of the pipeline or cause damage to related facilities that would present a significant threat to public safety, as supported by historical performance of similarly designed pipelines that experienced geological hazards comparable to those present in the project area."
- "Increase exposure of human or ecological receptors to potentially hazardous levels of chemical or explosives due to the disturbance of contaminated soils or to the discharge or disposal into soils of hazardous materials."

Utilities and Service Systems

17. Table D.11-2 on page D.11-4 lists utilities along the project route but fails to identify the City's raw water line between Mileposts 6.1 and 17.6. This major omission renders the impact analysis incomplete and inadequate. As noted earlier, the proposed pipeline and the City raw water line would be co-located for 5-6 miles and the pipeline would cross the City line in two places one of which is within approximately 1000 feet of the Alquist-Priolo zone for the Green Valley fault. For the most part, the impact and mitigation discussion in Section D.11 is more appropriate as it relates to local service utility lines in streets but does not adequately cover critical facilities such as the City's raw water transmission line. Therefore, the City suggests that the raw water line be treated separately within the section to adequately identify potential impacts and needed mitigations without confusing the discussion with consideration of less critical utilities.

24-18

18. Table D.11-1, page D.11-2, needs to include the following revisions: 1) The City of Benicia raw water transmission main needs to be listed as a separate utility for the City of Benicia, Solano County, and City of Fairfield, since portions of it are located within each agency boundary; 2) The listing for water in Benicia should show that water is provided by the City of Benicia, not the Solano County Water Agency; and 3) There should be a separate listing for storm drain facilities within each jurisdiction. Those within Benicia are maintained by the City of Benicia.

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| 19. The significance criteria (page D.11-7) need to include the following additional criterion: "Present a health or safety risk to users of an existing utility." | 24-20 |
| 20. The discussion of Impact US-1: Service Disruption During Construction, page D.11-7 and 8, needs to be revised and the determination of impact significance before and after mitigation needs to be reconsidered if the City's raw water line is to be included here. This section is written for small local service disruptions, but does not apply to major critical lifeline facilities. | 24-21 |
| 21. Mitigation Measure US-1a, page D.11-8, is inadequate in relation to the City's raw water line. See Item 13 above for more information. | 24-22 |
| 22. The discussion of Impact US-2, Water Supply for construction, page D.11-8, is incomplete. The analysis does not have enough specifics to reach conclusions as to whether the needed water would be available and what the impacts might actually be. The impact analysis should also consider truck trips that could be required to bring the water (including reclaimed water) to the pipeline. | 24-23 |
| 23. The discussion of Impact US-4: Pipeline Accident Effects on Buried Utilities, page D.11-9 and 10, is completely inadequate with respect to the City raw water line. The effects of an accident, landslide or earthquake that would rupture both the pipeline and the City water line need to be discussed in terms of the health and safety effects of a complete shutdown of the City's water supply, as well as the potential for contamination of the City's water supply by the release of product from the pipeline. This impact must be considered Class I if applied to the City's raw water transmission line. Moreover, the spill frequency discussion understates the risk of accident to the raw water line given the length of the line. The proposed mitigation is inadequate for the raw water line and would not reduce the potential impact to insignificance. In fact, the City questions whether the impact is capable of being reduced to insignificance as it would apply to the raw water line. See Item 13 above for more information. | 24-24 |
| 24. The City's raw water line is a critical facility as discussed. Water lines in other jurisdictions that are discussed in the EIR pose a somewhat different level of concern since, presumably, most water mains could be isolated from the rest of the system in case of a pipeline incident and the situation would be more easily dealt with. We note, however, that the North Bay Aqueduct and the Putah South Canal were not specifically mentioned in the EIR although both are relatively critical facilities that may be crossed by the proposed pipeline. | 24-25 |
| 25. Impact US-5: Service Disruption During Operation, page D.11-11, grossly understates the magnitude of the impact in relation to the City's raw water line and fails to provide any mitigation. There is a real potential that work on the fuel pipeline during maintenance activities could result in damage/service disruption to the City's raw water main especially since it runs parallel and remains in close | 24-26 |

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proximity for over 10 miles. This impact and mitigation need to be revised or a separate analysis written for the potential impact on the City's raw water line.

24-26

26. The discussion of collocation accidents in Section D.11.3.8, page D.11-12, underestimates the potential effects and its conclusion is not supportable in relation to the City's raw water line.

24-27

Transportation and Traffic

27. As noted under Item 4 above, it is not clear why construction activities would need to displace two lanes of traffic when the pipeline trench is only three feet wide. One lane closure should be sufficient. If a road is completely closed, this would create significant impacts not covered by Mitigation Measures T-1a-c. These measures only cover lane closures.

24-28

28. Impact T-5: Construction Traffic Volumes and Parking Availability, is classified as Class II in the impact statement but described as Class III in the discussion that follows. It is not clear how it can be concluded that parking requirements and truck/auto trips would be less than significant without an analysis of the specific parking locations. In the absence of such an analysis, Mitigation Measure T-5a should include a requirement that the submittal to local jurisdictions include estimates of anticipated construction traffic at specific locations and that the applicant comply with the requirements of those jurisdictions to mitigate traffic problems that can be anticipated on the basis of the estimates.

24-29

Recirculation

29. CEQA Guidelines Sec. 15088.5 provides that, "A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review...but before certification." The State Lands Commission will need to consider whether the new information regarding the City of Benicia raw water transmission line is "significant" within the meaning of Sec. 15088.5.

24-30

Cumulative Impacts

30. Cumulative impacts, i.e. the impacts of the proposed project combined with "other closely related past, present, and reasonably foreseeable probable future projects" (CEQA Guidelines Sec. 15065 (c)), are discussed in Section E.3. Curiously, this is the only place in the EIR that the City's raw water line is identified. Although the EIR states on page E-2 that, "The projects that comprise the cumulative impact scenario do not include existing projects that are completed or in operation", the City's raw water line is nevertheless included in the list of cumulative projects provided in Table E-1 and it is the only existing project identified as a cumulative project. The City's raw water line has been in existence

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since 1967 and no reasonable rationale seems to exist for including it among the cumulative projects and not in the main EIR analysis of impacts and mitigations. Moreover the conclusion (page E-2) that, "Overall, with the implementation of the mitigation measures for the Proposed Project, cumulative impacts would be less than significant", is insupportable if the City's raw water line is considered a cumulative project.

24-31

Alternatives

31. The EIR (Section C) identifies two alternatives to the proposed project: (1) construct a new pipeline in the existing right of way; and (2) the "no project" alternative. Both alternatives are essentially "whole route" alternatives; that is the effects of each alternative as a whole are compared with the effects of the proposed project as a whole. This approach tends to mask significant effects at specific segments or locations along the routes and potential opportunities to reroute certain segments to avoid such locations are lost.

24-32

During development of the project certain "mitigation segments" were developed and added to the proposed project for just such reasons. There is no indication that such a mitigation segment was identified or considered to avoid the very important concerns related to the City's raw water line. Utilizing the existing right of way between Benicia and Cordelia would be the City's preferred mitigation segment because it would completely avoid the City water line. Another potential mitigation might be routing the new pipeline along the east side of I-680. A less effective, but potentially feasible, approach to mitigation would include the items listed in 13 above.

32. It is not clear whether the existing pipeline right of way is fully overgrown with marsh habitat in the Suisun Marsh area. If it is not, the impacts of new construction in the existing right of way may be overstated. (See discussion of Wetlands on page D.4-83 and the conclusion that the proposed route is preferable on page D.4-89.)

24-33

33. The list of reasons for retaining the Existing ROW Alternative for further analysis in Section C.3.2.3, should include the point that it would avoid impacting the City of Benicia raw water transmission main. This same point should be made in Section D.11.4.

24-34

Mitigation Monitoring Program

34. The Mitigation Monitoring Program set forth in Section F should be revised to include more detailed descriptions of reporting actions and the effectiveness criteria should be more detailed and specific in order to better inform the applicant and responsible agencies of what is expected and to ensure applicant accountability. The MMP should require consultation with affected agencies

24-35